

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

HOLCOMBE, et. al,

Plaintiffs

vs.

UNITED STATES OF AMERICA,

Defendant

NO. 5:18-CV-00555-XR

(consolidated cases)

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**TRIAL EXHIBIT LIST (LIABILITY PHASE)**

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In accordance with the Joint Pretrial Order [Doc. 354], the Parties file their Trial Exhibit List (Liability Phase) to be considered by the Court in reviewing the designated deposition trial testimony and for use by the Parties at the in-person trial beginning April 7, 2021.

EX#	DESCRIPTION	O F F E R E D	A D M I T T E D	DATE
<b>JOINT TRIAL EXHIBITS</b>				
<b>JEX 1</b>	<b>SSS-41-76; USA11697-11732</b> Inspector General Report, US Department of Defense, Eval of Department of Defense Compliance with Criminal History Data Reporting Requirements (2/12/2015)	X		
<b>JEX 2</b>	<b>SSS-77-168; USA11221-11312</b> Inspector General Report, US Department of Defense, Evaluation of Fingerprint Card and Final Disposition Report Submissions by Military Service Law Enforcement Organizations (12/4/2017)	X		
<b>JEX 3</b>	<b>USA5250-5387</b> Inspector General Report, US Department of Defense, Report of Investigation into the United States Air Force's Failure to Submit Devin Kelley's Criminal History Information to the FBI (12/6/2018) [redacted versions produced at SSS-169-306 & USA00005112-5249]	X		
<b>JEX 4</b>	<b>USA34-417</b> AFOSI Manual 71-121: Manual implementing Air Force Mission Directive (AFMD) 39, AFOSI (AFOSI), and Air Force Policy Directive (AFPD), Criminal Investigations and Counterintelligence, Jan. 13, 2009 – obsolete	X		

EX#	DESCRIPTION	OFFERED	ADMITTED	DATE
<b>JEX 5</b>	<b>USA418-719</b> AFOSI Manual 71-121: Manual implementing Department of Defense Instruction (DoDI) 5505.14, Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Jan. 13, 2009 – obsolete	X		
<b>JEX 6</b>	<b>USA1032-1432</b> Department of the Air Force Memo for all AFOSI activities, 3/15/2012	X		
<b>JEX 7</b>	<b>USA1644-1805</b> Department of the Air Force Memo for Distribution C ALMAJCOM-FOA-DRU/CC - 1/27/2014	X		
<b>JEX 8</b>	<b>USA1806-1818</b> US Department of Defense Instruction re Fingerprint Card and Final Disposition Report Submission Rqmts, No. 5505.11 - 7/9/2010	X		
<b>JEX 9</b>	<b>USA5399-5405</b> Memo Re: Devin Patrick Kelley	X		

EX#	DESCRIPTION	OFFERED	ADMITTED	DATE
<b>JEX 10</b>	<b>USA5457-5612</b> Air Force Instruction 31-205: Instruction implementing Air Force Policy Directive (AFPD) 31-2, Law Enforcement, DOD Directive 1325.4, Confinement of Military Prisoners and Administration of Military Correction Programs and Facilities, Aug. 17, 2001 and DOD Instruction 1325.7, Administration of Military Correctional Facilities and Clemency and Parole Authority, July 17, 2001	X		
<b>JEX 11</b>	<b>USA5759-5827</b> Air Force Instruction 31-206, 9/16/2009, Security Forces Investigations Program; Superseding AFI 31-206, 8/1/2001	X		
<b>JEX 12</b>	<b>USA7575-7647</b> Air Force Instruction 40-301, 11/16/2015 Family Advocacy Program, Incorporating Change 1, 10/12/2017	X		
<b>JEX 13</b>	<b>USA10257-10373</b> Air Force Instruction 31-118, 3/5/2014 Security Forces Standards and Procedures; Superseding AF131-201, 3/30/2009 and AFMAN31-201V2, 8/28/2009	X		
<b>JEX 14</b>	<b>USA11166-11220</b> Inspector General Report, Department of Defense, Evaluation of Department of Defense Compliance with Criminal History Date Reporting Rqmts (2/10/1997)	X		

EX#	DESCRIPTION	OFFERED	ADMITTED	DATE
<b>JEX 15</b>	<b>USA11733-12132</b> Air Force Instruction 51-201, 6/6/2013 Administration of Military Justice Superseding AFI 51-201 (12/21/2007)	X		
<b>JEX 16</b>	<b>USA12136-12140</b> Form 4473 for Devin Kelley: 4/2/2012; Purchase: SIG Sauer P250, 9mm Pistol Serial No.: ENK087537; Retailer: Holloman Exchange, Holloman AFB FFL No.: 5-85-035-01-2M-01293	X		
<b>JEX 17</b>	<b>USA12814-12817</b> Excerpt from Department of Defense's (DOD) Memo of Understanding with the Federal Bureau of Investigation's (FBI) Criminal Justice Info Services re: the provision and use of prohibited person's data to the NICS database w/ letter from Under Secretary of Defense Jessica L. Wright to Attorney General Eric H. Holder, Jr.; May 24, 2013	X		
<b>JEX 18</b>	<b>USA12908-12910</b> Form 4473 for Devin Kelley 12/22/2012; Purchase: EAA Windicator Revolver 38 SPI Serial No.: 1687099; Retailer: Holloman Exchange, Holloman AFB FFL No.: 5-85-035-01-2M-01293	X		

EX#	DESCRIPTION	OFFERED	ADMITTED	DATE
<b>JEX 19</b>	<b>USA12913-12914</b> Report log re Transition Reports; Transition type: Submit for Closure; Created and Modified by: Randall D. Taylor Date Created: 12/14/2012	X		
<b>JEX 20</b>	<b>USA12947-12948</b> REDACTED - Report of Result of Trial 11/7/2012 re Devin P. Kelley	X		
<b>JEX 21</b>	<b>USA13315-13392</b> File re Request for Expulsion and Order Not to Reenter Holloman Air Force Base for AB Devin P. Kelley	X		
<b>JEX 22</b>	<b>USA13393-14181</b> Full investigative file re: the assault of Devin Kelley's stepson J.L.	X		
<b>JEX 23</b>	<b>USA14490-14571</b> Request and Authorization for Separation with related documents; Subj: Devin P. Kelley; Type of Separation: Discharge Character of Service: Bad Conduct Eff. Date: May 9, 2014	X		
<b>JEX 24</b>	<b>USA14693-14798</b> A1C Devin Kelley Personal Info File	X		

EX#	DESCRIPTION	OFFERED	ADMITTED	DATE
<b>JEX 25</b>	<b>USA15086-15093</b> Charge Sheet Accused: Devin P. Kelley; Charges: Violation UCMJ, Article 128 Specifically: Multiple assaults of Tessa Kelley and J. L.; Referral: Trial to the general court-martial board convened by Special Order A-60: Aug. 27, 2012; Signed by: Jeffery J. Slagle, Staff Judge Advocate	X		
<b>JEX 26</b>	<b>USA15148-15240</b> Department of Defense: OIG; Asst. Inspector General for Investigative Policy and Oversight; Audio Transcription of Interview of Randall Taylor; Case No.: 2018C004; June 12, 2018	X		
<b>JEX 27</b>	<b>USA15525-15640</b> Report of Investigation by: SA Glen Gibson File No.: 17HQCI-062; Period of Report: 6Nov17–23Mar18; Date: 10Apr18; Matter Investigated: Facts and circumstances surrounding AFOSI failure to index Devin Kelley	X		
<b>JEX 28</b>	<b>USA15641-15643</b> Summary review of Devin Kelley's Defense Manpower Data Center (DMDC) Installation Access Record, Project No.: 2018C004	X		

EX#	DESCRIPTION	O F F E R E D	A D M I T T E D	DATE
<b>JEX 29</b>	<b>USA15659-15705</b> Audio Transcription of Interview of Vince Bustillo; Case No.: 2018C004; taken Jan. 3, 2018; Department of Defense: OIG; Asst. Inspector General for Investigative Policy and Oversight	X		
<b>JEX 30</b>	<b>USA15753-15805</b> Audio Transcription of Interview of Yonatan Holz; Case No.: 2018C004; taken June 18, 2018; Department of Defense: OIG; Asst. Inspector General for Investigative Policy and Oversight	X		
<b>JEX 31</b>	<b>USA15873-15875</b> Interview Summary of SA Clinton Mills; Case No.: 2018C004; Date: July 1, 2108 @5:00pm; Interviewed by: SA Rebecca Hyatt via Phone	X		
<b>JEX 32</b>	<b>USA15915-15919</b> Interview Summary of SA Lyle Bankhead; Case No.: 2018C004; Date: June 13, 2018; Interviewed By: SA Rebecca Hyatt, SA Laura Aleman	X		
<b>JEX 33</b>	<b>USA16043-16049</b> Interview Summary of Col James L. Hudson; Case No.: 2018C004; Date: Feb. 2018; Interviewed By: SA Joahua Hannan, Laura Hummitzsch	X		



EX#	DESCRIPTION	OFFERED	ADMITTED	DATE
<b>JEX 34</b>	<b>USA16518-16519</b> Interview Record: Kelley, Devin; Interviewer: Gregory Harper; Place of Interview: Det 225/Bldg #293 Name: Clinton Mills, Date: 6/8/2012	X		
<b>JEX 35</b>	<b>USA16664-16682</b> Guidance to Agencies re: Submission of Relevant Federal Records to NCIS (March 2013, USDOJ)	X		
<b>JEX 36</b>	<b>USA16833</b> Military Chart of Offenses	X		
<b>JEX 37</b>	<b>USA16836</b> Kelley DIBRS entry – Tessa Kelley’s SSN Redacted	X		
<b>JEX 38</b>	<b>USA19674</b> Interview of Special Agent Clinton Mills, AFOSI Detachment 334, Pentagon, Conducted by Special Agent Laura Hunnich, OIG, DoD with Special Agent Josh Hannon, OIG, DoD 1.10.2018	X		

EX#	DESCRIPTION	OFFERED	ADMITTED	DATE
<b>JEX 39</b>	<b>USA19675-19699</b> Audio Transcription of Interview of Ryan Sablan; Case No.: 2018C004; taken Tuesday, Dec. 28, 2017; Department of Defense: OIG; Asst. Inspector General for Investigative Policy and Oversight	X		
<b>JEX 40</b>	<b>USA19700</b> Video Interview of Clinton Mills (3/1/2018)	X		
<b>JEX 41</b>	<b>USA19708-19710</b> Biography of Colonel James L. Hudson	X		
<b>JEX 42</b>	<b>USA19773-19780</b> Department of the Air Force Memo for SA (Msgt) Lyle I. Bankhead From: AFOSI/CC, Subj: Letter of Admonishment	X		
<b>JEX 43</b>	<b>USA21723</b> Video Confession of Devin P. Kelley	X		

EX#	DESCRIPTION	O F F E R E D	A D M I T T E D	DATE
JEX 44	<b>USA21788-21822</b> Sworn Testimony of Lt. Col (Ret.) David Boyd 12/13/2017	X		
JEX 45	<b>SSS-000406-000410 / USA22319-22323</b> Questions for the Record for Secretary of the United States Air Force Heather Wilson, Dec. 13, 2017	X		
JEX 46	<b>USA23478-23701</b> FBI investigative file of Sutherland Springs, Texas Church Shooting, Serial Attachments, pts 1&2 File No. 356E-SA-2228817	X		
JEX 47	<b>USA25055-25167</b> HQ AFOSI/IG Unit Compliance Inspection; AFOSI Region 2, Langley AFB, VA; dates: 2/23/2010-3/18/2010	X		
JEX 48	<b>USA25312-25368</b> AFOSI Instruction 71-107; Special Investigation; Processing Investigative Matters; 12/9/1996	X		
JEX 49	<b>USA25369-25378</b> AFOSI Regulation 124-102; AFOSI Reporting Criminal History Data to FBI; 8/31/1987	X		

<b>EX#</b>	<b>DESCRIPTION</b>	<b>O F F E R E D</b>	<b>A D M I T T E D</b>	<b>DATE</b>
<b>JEX 50</b>	<b>TAYLOR 3-4</b> Facebook messages with “Jayson”	X		
<b>JEX 51</b>	<b>TAYLOR 5-21</b> Facebook messages with “Kyle”	X		
<b>JEX 52</b>	Work Paper on Interview of Lt. Col Robert Bearden, USAF Investigation re D. Kelley Project 2018C004 1.11.18	X		
<b>JEX 53</b>	30(b)(6) Deposition Notice – Third	X		
<b>JEX 54</b>	30(b)(6) Deposition Notice – Second	X		
<b>JEX 55</b>	10 U.S. Code 892. Art. 92 198 Failure to obey order or regulation	X		
<b>JEX 56</b>	Department of the Air Force Memo re Guidance to AFI 51-201 Administration of Military Justice	X		
<b>JEX 57</b>	Spencer Notice of Deposition	X		

<b>EX#</b>	<b>DESCRIPTION</b>	<b>O F F E R E D</b>	<b>A D M I T T E D</b>	<b>DATE</b>
<b>JEX 58</b>	Handwritten Notes – DIBRS Entry for Kelley	X		
<b>JEX 59</b>	Photo of Kelley's son's bruise on leg	X		
<b>JEX 60</b>	Photo of Kelley's son's bruise on leg	X		
<b>JEX 61</b>	Text Messages between Danielle and Emily	X		
<b>JEX 62</b>	<b>WILLIS000000004</b> Text Messages between Devin Kelley and Emily Willis	X		
<b>JEX 63</b>	<b>MARLOW000000001-47</b> New Braunfels Counseling Center Treatment Records of Devin Kelley	X		
<b>JEX 64</b>	<b>USA00016911-16924</b> Stipulation of Fact, United States v. A1C Devin P. Kelley	X		
<b>JEX 65</b>	<b>SSS-001035</b> Statement of Danielle Kelley	X		

EX#	DESCRIPTION	OFFERED	ADMITTED	DATE
<b>JEX 66</b>	<b>Smith Dep 150-54</b> Excerpt from Deposition of Danielle Kelley	X		
<b>JEX 67</b>	<b>Academy002307</b> Academy Firearm Transaction Checklist	X		
<b>JEX 68</b>	<b>Academy003384-3543</b> Academy Firearm Procedures Manual – Updated 3/24/2016	X		
<b>JEX 69</b>	<b>Academy000736-798</b> Academy Training Material	X		
<b>JEX 70</b>	<b>Academy003011-16</b> Academy Emails and Out of State Long Gun Sale Chart	X		
<b>JEX 71</b>	<b>Academy003004-10</b> Academy Emails re High Capacity Magazines	X		
<b>JEX 72</b>	<b>Academy004656-57</b> Academy Emails re Long guns – Neighboring States	X		

<b>EX#</b>	<b>DESCRIPTION</b>	<b>O F F E R E D</b>	<b>A D M I T T E D</b>	<b>DATE</b>
<b>JEX 73</b>	<b>Davis Dep. 105 &amp;178</b> Excerpts from Deposition of Perry Davis	X		
<b>JEX 74</b>	Academy Online – Magpul MOE PMAG 30-Round Magazine	X		
<b>JEX 75</b>	Kelley ATF 4473 Form from April 7, 2016	X		
<b>JEX 76</b>	Academy Online – Ruger AR-556 5.56 Semiautomatic Rifle “Hot Deal”	X		
<b>JEX 77</b>	Academy Online – Ruger AR-556 Autoloading .223 Remington/5.56 NATO Semiautomatic Rifle	X		
<b>JEX 78</b>	Excerpt from Ruger AR-556 Instruction Manual: Inserting the Magazine – Removing the Magazine	X		
<b>JEX 79</b>	AR-556 Comparison Chart	X		
<b>JEX 80</b>	Kelley Cash Sale 10/18/2017	X		

EX#	DESCRIPTION	O F F E R E D	A D M I T T E D	DATE
JEX 81	Instruction Manual for Ruger AR-556	X		
JEX 82	ATF Guidebook – Importation & Verification of Firearms, Ammunition, and Implements of War – Terminology & Nomenclature	X		
JEX 83	ATF Federal Firearms Regulations Reference Guide	X		
JEX 84	27 CFR § 53.61 - Imposition and rates of tax	X		
JEX 85	<b>Academy 002422</b> Academy Firearm Compliance Policy	X		
JEX 86	<b>USA1-USA15</b> US Dep't of Defense Instruction re Fingerprint Card and Final Disposition Report Submission Rqmts, No. 5505.11 - 12/1/1998	X		
<b>PLAINTIFFS' TRIAL EXHIBITS</b>				
PEX 87	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript [ <b>Lt. Col. Robert Bearden</b> ]	X		



EX#	DESCRIPTION	O F F E R E D	A D M I T T E D	DATE
PEX 88	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript <b>[Vince Bustillo]</b>	X		
PEX 89	Plaintiffs' Trial Deposition Testimony Counter-Designation – Pages from Transcript <b>[Academy Witness R.C.]</b>	X		
PEX 90	Plaintiffs' Trial Deposition Testimony Counter-Designation – Pages from Transcript <b>[Academy Witness P.D.]</b>	X		
PEX 91	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript <b>[Col. Robert Ford, Jr.]</b>	X		
PEX 92	Plaintiffs' Trial Deposition Testimony Counter-Designation – Pages from Transcript <b>[Academy Witness W.F.]</b>	X		
PEX 93	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript <b>[Yonatan Holz]</b>	X		
PEX 94	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript <b>[James Hoy]</b>	X		

EX#	DESCRIPTION	O F F E R E D	A D M I T T E D	DATE
PEX 95	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript [ <b>Col. James Hudson</b> ]	X		
PEX 96	Plaintiffs' Trial Deposition Testimony Counter-Designation – Pages from Transcript [ <b>Candance Marlowe</b> ]	X		
PEX 97	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript [ <b>Maj. Nathan McLeod-Hughes</b> ]	X		
PEX 98	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript [ <b>Clinton Mills</b> ]	X		
PEX 99	Plaintiffs' Trial Deposition Testimony Counter-Designation – Pages from Transcript [ <b>Academy Witness N.M.</b> ]	X		
PEX 100	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript [ <b>Col. John Owen</b> ]	X		
PEX 101	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript [ <b>James Poorman</b> ]	X		

EX#	DESCRIPTION	O F F E R E D	A D M I T T E D	DATE
PEX 102	Plaintiffs' Trial Deposition Testimony Counter-Designation – Pages from Transcript [Academy/Ruger Witness K.R.]	X		
PEX 103	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript [Ryan Sablan]	X		
PEX 104	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript [SA Robert Spencer]	X		
PEX 105	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript [Randall Taylor]	X		
PEX 106	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript [Col. Owen Tullos]	X		
PEX 107	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript [Shelley Ann Verdejo]	X		
PEX 108	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript [Emily Willis]	X		

<b>EX#</b>	<b>DESCRIPTION</b>	<b>O F F E R E D</b>	<b>A D M I T T E D</b>	<b>DATE</b>
<b>PEX 109</b>	Plaintiffs' Trial Deposition Testimony Designation – Pages from Transcript [Lyle Bankhead]	X		
<b>GOVERNMENT'S TRIAL EXHIBITS</b>				
<b>GEX-1</b>	Excerpted Deposition Transcript of Emily Willis	X		
<b>GEX-2</b>	Excerpted Deposition Transcript of Candace Marlowe	X		
<b>GEX-3</b>	Excerpted Deposition Transcript of James K. Poorman	X		
<b>GEX-4</b>	Excerpted Deposition Transcript of Robert M. Ford, Jr.	X		
<b>GEX-5</b>	Excerpted Deposition Transcript of Yonatan Holz	X		
<b>GEX-6</b>	Excerpted Deposition Transcript of Vince Bustillo	X		
<b>GEX-7</b>	Excerpted Deposition Transcript of James F. Hoy	X		

<b>EX#</b>	<b>DESCRIPTION</b>	<b>O F F E R E D</b>	<b>A D M I T T E D</b>	<b>DATE</b>
<b>GEX-8</b>	Excerpted Deposition Transcript of Clinton Mills	X		
<b>GEX-9</b>	Excerpted Deposition Transcript of Ryan Sablan	X		
<b>GEX-10</b>	Excerpted Deposition Transcript of Lyle Bankhead	X		
<b>GEX-11</b>	Excerpted Deposition Transcript of Randall Taylor	X		
<b>GEX-12</b>	Excerpted Deposition Transcript of Nathan McLeod-Hughes	X		
<b>GEX-13</b>	Excerpted Deposition Transcript of Lt. Col. Robert Bearden	X		
<b>GEX-14</b>	Excerpted Deposition Transcript of Col. James Hudson	X		
<b>GEX-15</b>	Excerpted Deposition Transcript of Col. Owen Tullos	X		
<b>GEX-16</b>	Excerpted Deposition Transcript of Col. John Owen	X		

<b>EX#</b>	<b>DESCRIPTION</b>	<b>O F F E R E D</b>	<b>A D M I T T E D</b>	<b>DATE</b>
<b>GEX-17</b>	Excerpted Deposition Transcript of Robert Spencer	X		
<b>GEX-18</b>	Excerpted Deposition Transcript of Shelley Verdejo	X		
<b>GEX-19</b>	Excerpted Deposition Transcript of Academy Witness P.D.	X		
<b>GEX-20</b>	Excerpted Deposition Transcript of Academy Witness N.M.	X		
<b>GEX-21</b>	Excerpted Deposition Transcript of Academy Witness W.F.	X		
<b>GEX-22</b>	Excerpted Deposition Transcript of Academy Witness R.C.	X		
<b>GEX-23</b>	Excerpted Deposition Transcript of Academy Witness K.R.	X		
<b>GEX-24</b>	Answers to Deposition by Written Questions by Academy Witness P.D.	X		

Respectfully Submitted,

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United States Department of Justice

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## CERTIFICATE OF SERVICE

I certify that the foregoing was filed through the Court's CM/ECF system on March 11, 2021, and the following counsel for the United States have received notice and been served through that system.

/s/ Jamal K. Alsaffar

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